

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

DYNAENERGETICS EUROPE GMBH, and  
DYNAENERGETICS US, INC.,

Plaintiffs,

v.

NEXTIER OILFIELD SOLUTIONS INC., and  
NEXTIER COMPLETION SOLUTIONS INC.

Defendant.

Civil Action No: 6:20-cv-01201-ADA

**NOTICE OF DISMISSAL WITHOUT PREJUDICE  
UNDER FRCP 41(a)(1)(A)(i)**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiffs DynaEnergetics Europe GmbH and DynaEnergetics US, Inc. (collectively, “DynaEnergetics”) file this notice of voluntary dismissal without prejudice against Defendant NexTier Oilfield Solutions Inc. (hereinafter referred to as “NOS”).

As discussed in DynaEnergetics’ concurrently filed First Amended Complaint, NOS was the original defendant in this action. This was in reliance, in part, on the product information regarding the accused “GameChanger™ Perforating System” (hereinafter referred to as “GameChanger”) provided on NOS’s website (*see* Dkt. 1-2) as well as NOS’s representations in connection with its pleadings in *Nexus Perforating LLC v. NexTier Oilfield Solutions Inc., et al*, Case No. 4:20-CV-01539 (S.D. Tex.) that GameChanger is “its accused product[.]” *See id.* at Counterclaim, Dkt. 15 ¶ 12; *see also id.* at Joint Discovery Plan: Defendants’ Statement, Dkt. 20 at 2. However, in reliance on NOS and NexTier Completion Solutions Inc.’s (hereinafter

referred to as “NCS”) representations in this action that NOS is “a holding company that does not conduct any business operations of [its] own” and that its “wireline and fracturing services,” including the accused conduct, are carried out by NOS’s wholly owned subsidiary, NCS (*see* Dkt. 22 at 3-4, Dkt. 22-1 ¶ 11), DynaEnergetics is voluntarily dismissing its claims against NOS without prejudice.

NOS has not answered the Complaint or moved for summary judgment of any of the claims asserted therein. Therefore, dismissal of NOS without prejudice is permitted without a Court Order.

Dated: May 4, 2021

Respectfully submitted,

By: /s/Eric H. Findlay

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 4, 2021, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing *via* electronic mail to all counsel of record.

/s/Eric H. Findlay  
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